1	Anthony J. Ellrod (State Bar No. 136574)	Electronically FILED by		
2	tony.ellrod@manningkass.com Kristina Ross (State Bar No. 325440) kristina.ross@manningkass.com	Superior Court of California, County of Los Angeles 11/09/2023 9:30 PM		
3	MANNING & KASS ELLROD, RAMIREZ, TRESTER LLP	David W. Slayton, Executive Officer/Clerk of Court,		
4	801 S. Figueroa St, 15 th Floor Los Angeles, California 90017-3012	By R. Sanchez, Deputy Clerk		
5	Telephone: (213) 624-6900 Facsimile: (213) 624-6999			
6	1 4001111101 (213) 021 0333			
7	Attorneys for Plaintiff, WILLIAM JAMES MIT	CHELL		
8	SUPERIOR COURT OF TH	IE STATE OF CALIFORNIA		
9	COUNTY OF LOS ANGE	LES, CENTRAL DISTRICT		
10				
11	WILLIAM JAMES MITCHELL,	Case No. 19STCV12592 [Hon. Hon. Wendy Chang, Department 36]		
12	Plaintiff,	PLAINTIFF'S RESPONSE TO		
13	v.	DEFENDANT'S OBJECTIONS TO EVIDENCE RE PLAINTIFF'S MOTION		
14	TWIN GALAXIES, LLC,	TO DISQUALIFY DAVID A. TASHROUDIAN AND THE		
15	Defendants.	TASHROUDIAN LAW GROUP, APC FROM FURTHER REPRESENTATION		
16		OF DEFENDANT TWIN GALAXIES, LLC.		
17		Date: November 17, 2023		
18		Time: 8:30 a.m. Dept.: 36		
19		Trial Date: 1/26/2023		
20				
21	TO THE HONORABLE COURT, ALL PARTIE	ES AND THEIR ATTORNEYS OF RECORD:		
22	Plaintiff WILLIAM JAMES MITCHELL ("Plaintiff") hereby submits this response t			
23	Defendant's Objection to Evidence filed in so	upport of Defendant's Opposition to Motion to		
24	Disqualify.			
25	<u>Compendium</u>	m of Evidence		
26	1. Exhibit D			
27	Grounds for Objection: Lacks Foundati	on, Evid. Code §§ 702(a), 1400(a) and 1401(a);		
28	Lacks Certification, CCP §2015.5.			

Response to Objection: Evid. Code § 702(a) does not apply because the subject testimony is
not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§
1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP §
2015.5 does not apply because depositions are expressly excluded from the section's application.
Ruling: Sustained Overruled
2. <u>Exhibit F</u>
Grounds for Objection: Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a);
Lacks Certification, CCP §2015.5.
Response to Objection: Evid. Code § 702(a) does not apply because the subject testimony is
not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§
1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP §
2015.5 does not apply because depositions are expressly excluded from the section's application.
Ruling: Sustained Overruled
2 E_1:1:4 C
3 <u>Exhibit G</u>
Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid.
Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid.
Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.
Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5. Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is
Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5. Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is not offered for the proof of the matter asserted but goes to counsel's state of mind. Evid. Code §
Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5. Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is not offered for the proof of the matter asserted but goes to counsel's state of mind. Evid. Code § 702(a) does not apply because the subject testimony is not being used for the substance of the
Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5. Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is not offered for the proof of the matter asserted but goes to counsel's state of mind. Evid. Code § 702(a) does not apply because the subject testimony is not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§ 1400(a) and 1401(a) do not apply because
Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5. Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is not offered for the proof of the matter asserted but goes to counsel's state of mind. Evid. Code § 702(a) does not apply because the subject testimony is not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is
Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5. Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is not offered for the proof of the matter asserted but goes to counsel's state of mind. Evid. Code § 702(a) does not apply because the subject testimony is not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.
Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5. Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is not offered for the proof of the matter asserted but goes to counsel's state of mind. Evid. Code § 702(a) does not apply because the subject testimony is not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

2 Grounds for Objection: Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); 3 Lacks Certification, CCP §2015.5.

Exhibit H

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Response to Objection: Evid. Code § 702(a) does not apply because the subject testimony is not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because depositions are expressly excluded from the section's application.

Ruling: Sustained Overruled	
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5. **Exhibit I**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Ruling:	Sustained	Overruled

6. Exhibit J

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Ruling:	Sustained	Overruled	

7. **Exhibit** L

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Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is a statement against interest. Evid. Code § 702(a) does not apply because the witness has personal knowledge. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Ruling:	Sustained	Overrule	d

8. Exhibit M

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Ruling:	Sustained	Overruled

9. **Exhibit N**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Ruling:	Sustained	Overruled	

10. Exhibit O

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Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

11. Exhibit P

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Numg: Sustained Overruled	Ruling:	Sustained		Overruled	
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12. **Exhibit Q**

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Ruling:	Sustained	Overruled

13. Exhibit S

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Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Ruling: Sustained Overruled

14. Exhibit T

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Kunng. Sustameu Overruleu	Ruling:	Sustained	Overruled
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15. Exhibit U

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Ruling:	Sustained	Overruled	

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16. Exhibit V

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5.

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because the exhibit is an admission of a party. Evid. Code § 702(a) does not apply because the exhibit is verified discovery responses. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration. CCP § 2015.5 does not apply because the exhibit is not a sworn statement.

Sustained Overruled Ruling:

Objections to Declaration of William Mitchell

17. Paragraph 2

Grounds for Objection: Lacks Personal Knowledge, Evid. Code § 800(b).

Response to Objection: Evid. Code § 800(b) does not apply because the declarant is not testifying as a an expert and is testifying as to material that is rationally based on his perception.

Sustained _____ Overruled _____ Ruling:

18. Paragraph 3

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b).

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because Mr. Childs is unavailable as he refuses to testify and Mr. Childs' attorney stated such in emails to all counsel on May 24, 2023 attached to Plaintiff's Reply as Exhibit A.

Sustained _____ Overruled _____ Ruling:

19. Paragraph 5

Grounds for Objection: Hearsay, Evid. Code §§ 1200(a), 1200(b).

Response to Objection: Evid. Code §§ 1200(a), 1200(b) do not apply because Mr. Johnson declared as such in his declaration attached to Plaintiff's Motion as Exhibit C.

Ruling:	Sustained	Overruled	

20. Paragraph 6, Exh. D

Grounds for Objection: Lacks Personal Knowledge, Evid. Code § 800(b); Lacks Foundation, Evid. Code § 702(a), 1400(a) and 1401(a).

Response to Objection: Evid. Code § 800(b) does not apply because the declarant is not testifying as a an expert and is testifying as to material that is rationally based on his perception; Evid. Code § 702(a) does not apply because the subject testimony is not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration.

Mullig. Sustained Overruled	Ruling:	Sustained	Overruled	
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21. Paragraph 6(sic), Exh. F

Grounds for Objection: Lacks Personal Knowledge, Evid. Code § 800(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a).

Response to Objection: Evid. Code § 800(b) does not apply because the declarant is not testifying as a an expert and is testifying as to material that is rationally based on his perception; Evid. Code § 702(a) does not apply because the subject testimony is not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration.

Ruling:	Sustained	Overrul	ed

22. Paragraph 9, Exh. L

Grounds for Objection: Lacks Personal Knowledge, Evid. Code § 800(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a).

Response to Objection: Evid. Code § 800(b) does not apply because the declarant is not testifying as a an expert and is testifying as to material that is rationally based on his perception; Evid. Code § 702(a) does not apply because the subject testimony is not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§ 1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration.

1	Ruling: Sustained Overruled		
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3	23. Paragraph 12		
4	Grounds for Objection: Assumes Facts Not in Evidence; Lacks Foundation, Evid. Code §§		
5	702(a), 1400(a) and 1401(a).		
6	Response to Objection: Evid. Code § 702(a) does not apply because the subject testimony is		
7	not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§		
8	1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration, the		
9	documents were inadvertently not attached to the declaration for the Motion so are attached to		
10	Plaintiff's Reply as Exhibit C.		
11	Ruling: Sustained Overruled		
12			
13	24. Paragraph 13		
14	Grounds for Objection: Assumes Facts Not in Evidence; Lacks Foundation, Evid. Code §§		
15	702(a), 1400(a) and 1401(a).		
16	Response to Objection: Evid. Code § 702(a) does not apply because the subject testimony is		
17	not being used for the substance of the testimony but the conduct of the counsel. Evid. Code §§		
18	1400(a) and 1401(a) do not apply because the exhibit was authenticated by declaration, the		
19	documents were inadvertently not attached to the declaration for the Motion so are attached to		
20	Plaintiff's Reply as Exhibit C.		
21	Ruling: Sustained Overruled		
22	DATED: November 9, 2023 MANNING & KASS		
23	ELLROD, RAMIREZ, TRESTER LLP		
24			
25	By: /s/ Kristina Ross		
26	Anthony J. Ellrod Kristina Ross		
27	Attorneys for Plaintiff WILLIAM JAMES MITCHELL		
28			

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 S. Figueroa St, 15th Floor, Los Angeles, CA 90017-3012.

On November 9, 2023, I served true copies of the following document(s) described as PLAINTIFF'S RESPONSE TO DEFENDANT'S OBJECTIONS TO EVIDENCE RE PLAINTIFF'S MOTION TO DISQUALIFY DAVID A. TASHROUDIAN AND THE TASHROUDIAN LAW GROUP, APC FROM FURTHER REPRESENTATION OF DEFENDANT TWIN GALAXIES, LLC. on the interested parties in this action as follows:

8	David Tashroudian, Esq.	Robert W. Cohen, Esq.
		Law Offices of Robert W. Cohen
9	TASHROUDIAN LAŴ GROUP, APC	1901 Avenue of The Stars, Suite 1910
		Los Angeles, CA 90067
10	Studio City, CA 91604	Telephone: (310) 282-7586
		Email: rwc@robertwcohenlaw.com
11	Facsimile: (818) 561-7381	
	Email: david@tashlawgroup.com	Attorneys for Cross-Defendant, WALTER DAY
12	Email: mona@tashlawgroup.com	
13	Attorney for Defendants, TWIN GALAXIES	
14		

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address kristina.ross@manningkass.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 9, 2023, at Los Angeles, California.

/s/ Kristina Ross Kristina Ross